

**75-2a-116 Presumption of validity of directive.**

- (1) A health care directive executed under this chapter is presumed valid and binding.
- (2) Health care providers and health care facilities, in the absence of notice to the contrary, shall presume that a declarant who executed a health care directive, whether or not in the presence of a health care provider, had the required decision making capacity at the time the declarant signed the directive. The fact a declarant executed a health care directive shall not be construed as an indication that the declarant was suffering from mental illness or lacked decision making capacity.

Enacted by Chapter 31, 2007 General Session